

AMENDED IN SENATE JANUARY 14, 2008

AMENDED IN SENATE AUGUST 20, 2007

AMENDED IN SENATE APRIL 18, 2007

AMENDED IN SENATE MARCH 29, 2007

SENATE BILL

No. 107

Introduced by Senator Alquist

January 18, 2007

An act to add Article 2.7 (commencing with Section 115950) to Chapter 5 of Part 10 of Division 104 of the Health and Safety Code, relating to wave pools.

LEGISLATIVE COUNSEL'S DIGEST

SB 107, as amended, Alquist. Wave pools.

Existing law regulates safe recreational water use, including, but not limited to, the recreational use of reservoirs, public beaches, and swimming pools. The Swimming Pool Safety Act establishes certain safety standards requiring swimming pool enclosures, safety pool covers, or exit alarms, as defined, or certain other means of protection.

This bill would enact the Wave Pool Safety Act and require a wave pool operator to comply with several specified safety requirements, including, but not limited to, providing a *United States Coast Guard-approved* life vest that is free and available for use by any nonswimmer, as defined, child under 48 inches in height, or any other patron at the request of the patron, as specified. The bill would require children under 48 inches in height, regardless of whether the child is accompanied by an adult, to wear a *United States Coast Guard-approved* life vest to gain access to a wave pool. The bill would further require a specified audible signal to be used ~~prior to resuming~~ *immediately*

before the breaking wave action resumes, in order to warn patrons, as defined, of impending waves. The bill would authorize the wave pool operator to deny entrance into the park, or the removal from the park, of a person or child under specified circumstances. The bill would also require signs indicating these requirements to appear at the ticket booth or entrance gate to the park or other facility where the wave pool is located. The bill would require lifeguards to be assigned to guard a wave pool, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The purpose of the Wave Pool Safety Act is to help safeguard
4 wave pool users who are most at risk.

5 (b) The provisions of this act should not be interpreted to
6 diminish the role of parents or adults charged with supervising
7 children in wave pools. Parents and adults who supervise children
8 need to be educated about the potential dangers and inherent risks
9 for children and nonswimmers using wave pools. Working in
10 tandem with lifeguards on duty, parents and adults supervising
11 children need to remain alert while children are in the water.

12 (c) The Legislature encourages the aquatic industry to release
13 public service announcements regarding the provisions of this act
14 and educate the public as to the dangers for children and
15 nonswimmers using, and the safety requirements of, wave pools.

16 SEC. 2. Article 2.7 (commencing with Section 115950) is
17 added to Chapter 5 of Part 10 of Division 104 of the Health and
18 Safety Code, to read:

19

20 Article 2.7. Wave Pool Safety Act

21

22 115950. This article shall be known and may be cited as the
23 Wave Pool Safety Act.

24 115951. For purposes of this article, the following definitions
25 shall apply:

26 (a) “Nonswimmer” means a person who is a weak swimmer or
27 a person who cannot swim.

1 (b) “Patron” means a swimmer or nonswimmer using a wave
2 pool.

3 (c) “Rest period” means a period of time that the wave
4 generating equipment for the wave pool is not ~~being operated~~
5 *producing breaking waves*.

6 (d) “Wave pool” means a swimming pool designed for the
7 purpose of producing *breaking* wave action in the water.

8 115952. On and after January 1, 2009, a wave pool in this state
9 shall comply with all of the following:

10 (a) (1) A wave pool operator shall provide a *United States Coast*
11 *Guard-approved* life vest that is free and available for use by a
12 nonswimmer or a child under 48 inches in height. A wave pool
13 operator shall also provide a *United States Coast Guard-approved*
14 life vest that is free and available for use to any other patron at the
15 request of the patron.

16 (2) Notwithstanding paragraph (1), a patron, including a
17 nonswimmer and child, may use his or her own life vest if that life
18 ~~vest meets nationally recognized standards for safety.~~ *vest is United*
19 *States Coast Guard-approved*.

20 (b) (1) Children under 48 inches in height, regardless of whether
21 the child is accompanied by an adult, shall wear a *United States*
22 *Coast Guard-approved* life vest to gain access to a wave pool.

23 (2) A child ~~14 years of age and under~~ *under 48 inches in height*
24 shall be accompanied by an adult *in order to gain entry into the*
25 *park; a wave pool operator can deny entrance into the park of a*
26 *child under 48 inches in height if that child is not accompanied*
27 *by an adult*.

28 (3) ~~A child who is either six years of age and under or under 48~~
29 ~~inches in height shall be accompanied in the wave pool by an adult~~
30 ~~who shall be within arm’s length of the child in the wave pool.~~

31 (4) ~~A child or patron who does not satisfy the requirements of~~
32 ~~this subdivision may not access the wave pool.~~

33 (3) *Any person or child who refuses to comply with paragraph*
34 *(2) of subdivision (a) or paragraph (1) of subdivision (b) shall be*
35 *removed from the park by the wave pool operator.*

36 (c) In all cases where wave action is suspended for any reason,
37 an audible signal shall be used prior to resuming wave action to
38 warn patrons of impending waves. That audible signal shall sound
39 ~~for at least 30 seconds prior to resuming wave action.~~ *for at least*
40 *15 seconds immediately before the breaking wave action resumes.*

1 (d) (1) Lifeguards shall be assigned to guard a wave pool. ~~The~~

2 (2) ~~The wave pool operator shall ensure that there is at least one~~
3 ~~lifeguard for each 2,000 square feet of water surface area over 12~~
4 ~~inches of static water depth that is available for use to patrons. A~~
5 ~~lifeguard required by~~ *are a sufficient number of lifeguards on duty*
6 *to adhere to the 10/20 protection standard of scanning and*
7 *response.*

8 (3) *A lifeguard subject to this subdivision shall have an*
9 *unobstructed view of, and be able to completely observe, in its*
10 *entirety, his or her defined zone of protection in the wave pool.*

11 (4) *A wave pool operator shall ensure that conditions in a wave*
12 *pool are continually reevaluated for safety and shall adjust*
13 *lifeguard staffing accordingly.*

14 (5) *For the purposes of this section, the “10/20 protection*
15 *standard of scanning and response” means that each lifeguard*
16 *shall be responsible for an individually defined zone of protection*
17 *that is designed so that the lifeguard may identify a distressed*
18 *guest in a wave pool in 10 seconds and may provide care to the*
19 *distressed guest within 20 seconds of that identification.*

20 (e) ~~A shutoff valve~~ *An emergency stop for the wave equipment*
21 *shall be easily accessible to the lifeguards and other pool officials,*
22 *as required by the California Division of Occupational Safety and*
23 *Health .*

24 (f) ~~A wave pool shall have a minimum rest period of 30 minutes~~
25 ~~within each hour of operation.~~

26 (f) *A wave pool operator shall ensure that the wave pool has*
27 *regular periods without breaking waves being produced; to*
28 *accomplish this, the wave pool operator shall ensure that*
29 *continuous breaking wave cycles in a wave pool shall not exceed*
30 *15 minutes.*

31 (g) Signs indicating the requirements described in subdivisions
32 (a) to (c), inclusive, shall appear at the ticket booth or entrance
33 gate to the park or other facility where the wave pool is located.